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PART II—Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 9th January, 1992/Pausa 19, 1913 (Saka)

The following President's Act is published for general information:—

THE PUNJAB PANCHAYAT SAMITIS AND ZILA PARISHADS (TEMPORARY SUPERSESSION) AMENDMENT ACT, 1992

No. 1 OF 1992

Enacted by the President in the Forty-second Year of the Republic of India.

An Act further to amend the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978.

24 of 1987. In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987, the President is pleased to enact as follows:—

1. This Act may be called the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Amendment Act, 1992.

Short
title.

2. In the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978, in section 3, in the proviso to sub-section (1), for the words "thirteen years and three months", the words "thirteen years and nine months" shall be substituted.

Amend-
ment of
section
3 of
Punjab
Act 29 of
1978.

R. VENKATARAMAN,
President.

Reasons for the enactment

The Panchayat Samitis and Zila Parishads in the State were superseded by the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 on the 12th October, 1978 for one year. This period had to be extended from time to time for one reason or the other. The present supersession period expires on the 11th January, 1992.

2. Sixteen members of a Panchayat Samiti are taken from the Gram Panchayat falling within the jurisdiction of a Panchayat Samiti. The normal term of the Gram Panchayats had expired in October, 1988. The elections to this tier of the Panchayati Raj Bodies are due. The Government proposed to hold elections to the Gram Panchayats in January, 1990, but due to law and order problems in the State these elections could not be held. If the elections to the Panchayat Samitis and Zila Parishads are held now without holding the elections to the Gram Panchayats, most of the Panches and Sarpanches may lose their basic qualification to remain members of the Panchayat Samitis if they are not returned on the Gram Panchayats during general elections to the Gram Panchayats, if held later. In such a situation, the Panchayat Samitis and Zila Parishads would become defunct. Thus, it is desirable to hold elections to these bodies after the general elections to the Gram Panchayats so that the new Gram Panchayats are represented in the Panchayat Samitis and Zila Parishads and the term of all the three tiers of the Panchayati Raj Institutions may be co-terminus. It generally takes about two months to hold Gram Panchayat elections. Thereafter, a period of more than four-and-a-half months is required to conduct elections to the Panchayat Samitis and Zila Parishads after observing all the legal formalities.

3. It has, therefore, been decided that the period of temporary supersession may be extended for another six months by amending the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 (Punjab Act 29 of 1978) by a Presidential enactment.

4. Parliament had, under article 357(1)(a) of the Constitution, conferred on the President the power of the Legislature of the State of Punjab to make laws vide the Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987).

5. Under the proviso to sub-section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987, the President shall, before enacting any President's Act, whenever he considers it practicable to do so, consult a Committee constituted for the purpose consisting of members of both the Houses of Parliament. As the permissible period of supersession of the Punjab Panchayat Samitis and Zila Parishads under the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 expires on the 11th January, 1992 and as the

amending Act, ought to come into force on the 12th January, 1992, it is not practicable to consult the aforesaid Committee prior to the enactment of this Bill. The measure is, accordingly, being enacted without reference to the aforesaid Committee.

S. R. SANKARAN,
Secy. to the Govt. of India.
Ministry of Rural Development.

